

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Perry Hood,

Petitioner

V.

Calvin Johnson, et al.,

Respondents

Case No. 2:22-cv-00117-CDS-VCF

Order Setting Briefing Schedule on Petitioner's Motion for Relief from Judgment

This habeas matter is before me on petitioner Perry Hood’s motion for relief from judgment. ECF No. 12. Hood challenges a 2013 state court conviction for use of a minor in producing pornography or as a subject of sexual portrayal in performance. ECF No. 1-2. Hood filed his federal habeas petition three years after the expiration of the AEDPA statute of limitations. I ordered Hood to show cause in writing why this action should not be dismissed with prejudice as untimely. ECF No. 6. Following his response to the show cause order, I found that Hood did not meet his burden of showing an extraordinary circumstance warranting equitable tolling or that he acted diligently in pursuing his claims. The petition was dismissed with prejudice as untimely. ECF No. 9.

Hood now seeks relief from judgment alleging actual innocence. Because the petition was dismissed on initial review, it does not appear respondents were electronically served with Hood's motion. So that the respondents may be electronically served with any papers filed through counsel, the Clerk of Court will add state attorney general Aaron D. Ford as counsel for respondents and provide respondents an electronic copy of all items previously filed in this case by regenerating the Notice of Electronic Filing to the office of the AG only. Respondents' counsel must enter a notice of appearance within 7 days of entry of this order.

25 Respondents will have until November 28, 2023, to file their opposition to Hood's
26 motion for relief from judgment. Hood will have until December 5, 2023, to file his reply.

1 It is therefore ordered that the Clerk of Court will add state attorney general Aaron D.
2 Ford as counsel for respondents and to provide respondents an electronic copy of all items
3 previously filed in this case by regenerating the Notice of Electronic Filing to the office of the AG
4 only. Respondents' counsel must enter a notice of appearance within 7 days of entry of this order.

5 It is further ordered that respondents will have until November 28, 2023, to file their
6 opposition to Hood's motion for relief from judgment. Hood will have until December 5, 2023, to
7 file his reply.

8 DATED: November 16, 2023

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10 Cristina D. Silva
11 United States District Judge
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